

## **Chapter 1451. Enforcement.**

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### **§ 1451-01. Enforcement Responsibility.**

The Director of Buildings and Inspections is responsible for enforcing the Cincinnati Zoning Code. The director may not issue a building permit or certificate of occupancy for any building or use that would violate or fail to comply with the provisions of this code. The decision to pursue compliance with the Cincinnati Zoning Code through permit revocation, issuance of an order to comply, vacation of a premises found in violation, criminal prosecution, issuance of a notice of civil offense pursuant to Title XV, Code Compliance and Hearings, of the Cincinnati Municipal Code, or application to the City Solicitor to institute proceedings pursuant to § 1451-07, Remedies, is vested in the sound discretion of the Director.

### **§ 1451-03. Revocation of Permit.**

When the conditions of a permit, certificate, covenant to the city or provisions of this Code are not met, the Director of Buildings and Inspections may initiate action to revoke any permit or certificate issued in reliance of those conditions being satisfied.

### **§ 1451-05. Vacation.**

The Director of Buildings and Inspections, on finding a building, premises or a part of a building or premises used or occupied in violation of any provision of the Cincinnati Zoning Code, has the duty to order such illegal use or occupancy terminated. When in the opinion of the Director of Buildings and Inspections, the termination of the illegal use or occupancy can only be insured through vacation of the building, premises or part thereof, the Director may order the owner or the occupant or both to vacate the building, premises, or part of the building or premises that is being illegally used or occupied.

### **§ 1451-07. Remedies.**

Whenever the Director of Buildings and Inspections or any other officer charged with the enforcement of the Cincinnati Zoning Code is satisfied that any provision of this Code has been violated or is about to be violated in any respect, or that any order or direction made for enforcement of this code has not been complied with, the Director may act as follows:

- (a) If the director is satisfied that civil proceedings are necessary for the enforcement of the code, the director may apply to the City Solicitor, who is authorized to institute civil proceedings.
- (b) In case any building or structure is or is intended to be erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure or land is or is intended to be used, in violation of this Code, the City Solicitor, in addition to the remedies herein provided for, may institute any appropriate action in law or equity to prevent such unlawful act, or to restrain, correct or abate such violation.

The actions authorized by this section are in addition to those authorized by §1451-05 and §1451-09.

### **§ 1451-09. Violation and Penalties, Criminal and Civil.**

Whoever violates any provision of the Cincinnati Zoning Code or fails to conform to any provision thereof or fails to obey any lawful order of the Director of Buildings and Inspections issued in pursuance thereof, is guilty of a misdemeanor of the third degree on the first offense and guilty of a misdemeanor of the first degree on the second and subsequent offense. Each day's continuation of a violation or failure to comply is a separate offense. This section does not apply to Chapter 1435, Historic Conservation, § 1451-11, Historic Conservation Prohibitions and § 1451-13. Enforcement of Historic Conservation Regulations.

As an alternative to criminal prosecution, the Director of Buildings and Inspections may cite a person who violates any provision of the Cincinnati Zoning Code or fails to conform to any provision thereof or fails to obey any lawful order of the Director of Buildings and Inspections issued in pursuance thereof, for a civil offense pursuant to Title XV, Code Compliance and Hearings, of the Cincinnati Municipal Code.

### **§ 1451-11. Historic Conservation Prohibitions.**

A person may not cause, whether by neglect or willful action or inaction:

- (a) ***Alteration, Demolition or Environmental Change.*** An alteration of or environmental change or demolition affecting a historic structure or a historic site or district without first having obtained a certificate of appropriateness for such alteration, demolition or environmental change.
- (b) ***Care, Maintenance and Upkeep.*** Fail to provide reasonable care, maintenance and upkeep appropriate for the preservation, protection, enhancement, rehabilitation, perpetuation or use in compliance with the terms of this chapter.

### **§ 1451-13. Enforcement of Historic Conservation Regulations.**

The City Solicitor is empowered to bring such civil action, whether equitable or legal, as may be necessary to enforce the provisions of Chapter 1435, Historic Conservation, and § 1451-11, Historic Conservation Prohibitions.

A person who causes, whether by neglect or willful action or inaction, an alteration of or environmental change or demolition affecting a historic landmark or a historic site within a Historic District in violation of this chapter may be required to restore the structure or property to its appearance as the Historic Conservation Board may approve. The City Solicitor has the duty to bring actions to enforce this section. This civil remedy is in addition to and not in lieu of a criminal prosecution and penalty or civil prosecution and penalty pursuant to Title XV, Code Compliance and Hearings, of the Cincinnati Municipal Code.

Whoever violates any provision of Chapter 1435, Historic Conservation, § 1451-11, Historic Conservation Prohibitions, and § 1451-13, Enforcement of Historic Conservation Regulations, or fails to conform to any provision thereof or fails to obey any lawful order of the Director of Buildings and Inspections issued in pursuance thereof, is guilty of a misdemeanor of the third degree on the first offense and guilty of a misdemeanor of the first degree on the second and subsequent offense. Each day's continuation of a violation or failure to comply is a separate offense. This section does not apply as an alternative to criminal prosecution, the Director may cite a person who violates any provision of Chapter 1435, Historic Conservation, § 1451-11, Historic Conservation Prohibitions, or § 1451-13, Enforcement of Historic Conservation Regulations, or fails to conform to any provision thereof or fails to obey any lawful order of the Director issued in pursuance thereof, for a civil offense pursuant to Title XV, Code Compliance and Hearings, of the Cincinnati Municipal Code.

### **§ 1451-15. Historic Conservation Penalties.**

A person, being the owner or agent or having control of a historic property or structure located within an historic site or district, who violates a provision of Chapter 1435, Historic Conservation, or § 1451-11, Historic Conservation Prohibitions, is guilty of a misdemeanor of the first degree. Each and every day that a person continues to violate the provisions of this chapter after having once been notified of the violation constitutes a separate offense.